

BOARD BILL NO. 329

INTRODUCED BY: ALDERMAN JOSEPH RODDY

1 An ordinance recommended by the Board of Public Service to conditionally vacate above surface,
2 surface and sub-surface rights for vehicle, equestrian and pedestrian travel in the remaining 99.90' ±
3 .01' of the 15 foot wide east/west alley in City Block 4591-W as bounded by Oakland Avenue,
4 Oakview Place, Berthold Avenue, Hampton Avenue and Clayton Avenue in the City of St. Louis,
5 Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with
6 Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

7 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

8 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian
9 and pedestrian travel, between the rights-of-way of:

10
11 A tract of land being part of a 15 feet wide alley, located in City Block 4591-W of
12 the City of St. Louis, Missouri being more particularly described as follows:
13

14 Commencing at the intersection of the Western line of Oakview Place
15 with the Northern line of Berthold Avenue; thence along the western
16 line of Oakview Place North 07 degrees 32 minutes 00 seconds East,
17 a distance of 336.58 feet to the point of intersection with the Southern
18 line of a 15-foot wide alley, said point being the POINT OF
19 BEGINNING of the tract herein described; thence along the Southern
20 line of said alley North 82 degrees 32 minutes 15 seconds West, a
21 distance of 99.89 feet to the Southeast corner of an alley vacated by
22 Ordinance 69506; thence along the eastern line of said vacated alley
23 North 07 degrees 27 minutes 45 seconds East, a distance of 15.00
24 feet to the Northern line of the aforesaid 15-foot wide alley; thence
25 along said North line South 82 degrees 32 minutes 15 seconds East, a
26 distance of 99.91 feet to the intersection with the aforesaid Western
27 line of Oakview Place; thence along said Western line South 07
28 degrees 32 minutes 00 seconds West, a distance of 15.00 feet to the
29 Point of Beginning and containing 1,498 square feet or 0.034 acre
30 more or less.
31

32 are, upon the conditions hereinafter set out, vacated.

33 **SECTION TWO:** TPH Holding and Burger Chef Systems, Inc. will consolidate proposed
34 vacated area for redevelopment.

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1 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
2 the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public
3 including present and future uses of utilities, governmental service entities and franchise holders,
4 except such rights as are specifically abandoned or released herein.

5 **SECTION FOUR:** The owners of the land may, at their election and expense remove the
6 surface pavement of said so vacated alley provided however, all utilities within the rights-of-way
7 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

8 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders
9 shall have the right and access to go upon the land and occupation hereof within the rights-of-way
10 for purposes associated with the maintenance, construction or planning of existing or future
11 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably
12 required.

13 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
14 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
15 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
16 service entities and franchise holders, present or future. The written consent with the terms and
17 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
18 agencies as needed and approved by such Board prior to construction.

19 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
20 of a utility, governmental service entity or franchise holder by agreement in writing with such
21 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
22 undertaking of such removal.

23 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within
24 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must

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1 have curbing cobblestones returned to the Department of Streets in good condition.

2 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
3 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to
4 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this
5 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if
6 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be
7 deposited by these agencies with the Comptroller of the City of St. Louis.

8 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
9 Water facilities, if any.

10 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
11 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
12 be returned.

13 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
14 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as
15 specified in Sections Two and Eight of the Ordinance.

16 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
17 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing
18 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
19 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
20 within the prescribed time the ordinance will be null and void.

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